

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 21-cr-20184
Hon. Matthew F. Leitman
Mag. Kimberly G. Altman

(D-1) MICHAEL FRALEY, JR.,

Defendant.

**DEFENDANT'S SUPPLEMENTAL BRIEF IN SUPPORT OF *MOTION TO
REVOKE THE DETENTION ORDER* (ECF No. 36)**

Defendant Michael Fraley, Jr., initially moved this Honorable Court for his release pending trial under 18 USC 3142, based on information not presented to the Magistrate who ordered Fraley detained. The defense requested and participated in a detention hearing before this Honorable court on June 2nd, 2021. Both sides presented arguments and the Court requested additional information from the Defense to submit to the court. Below, is the Defense's submission in supplementation of the information as requested by the court.

A. Current prospects and potential for verifiable employment

As indicated at the detention hearing, Defendant Fraley has verifiable options for employment if released on bond. We know that working and being

employed full time significantly reduces the opportunity for one to engage in questionable behavior. We also know that being employed at a place where one is an integral member of the team and is respected in one's position is also significant in increasing one's self-esteem and confidence, especially as it relates to an admitted drug addict such as Mr. Fraley.

His first option of employment (or continued employment) with Gentlemen's Quality Home Improvement LLC would be an ideal for Mr. Fraley. He has been employed there in the past since 2019. He worked as a skilled laborer full time. He earned a decent wage of \$14 per hour working 32 to 46 hours per week. He is deemed as a hard worker and is an asset to his company. (Exhibit A - Verification Letter and Emails). This employment is year-round and would be an asset to his family with him being able to support them with a full time job with prospects of overtime.

His second option for employment for Mr. Fraley is working at the home of his Aunt Beth-Bethany Boegner. She has a pressing need for maintenance and upkeep work on her 10-acre property in Montrose, MI. (Exhibit B - Boegner Letter). She also needs a part time caretaker due to her medical challenges as well. Along with Jennifer Anne Dupuis, Mr. Fraley's other aunt who daily frequents the home of her sister Ms. Boegner can both act as third-party superintending custodians over Mr. Fraley. (Exhibit C - Dupuis Letter). In their letters to the Court

they indicate that they are very supportive of Mr. Fraley and will watch his comings and goings and assist him in staying strong during the duration of this matter if released on bond! This element or option is particularly significant because Mr. Fraley would and could potentially be working a full time job with Gentlemen's Quality Home Improvement and two (2) jobs/responsibilities at his potential home while on bond, caretaking for a relative and being overseen/supervised by his loving aunts all while doing so on the outskirts of the City of Flint-well out of the way of any kind of trouble and influence!

B. Drug treatment proposal and opportunities

The court also requested some options and a proposal as it relates to the drug treatment regimen of Mr. Fraley if released on bond. If the court remembers drug abuse and consistent treatment and completion of treatment has been a challenge for Mr. Fraley in the past. The dynamic of his employment and housing as demonstrated in paragraph (A) above along with an aggressive regimen of drug treatment and testing would bode well for Mr. Fraley and would be helpful in assuring that said bond conditions would be followed.

The Flint Odyssey House would be a perfect fit for Mr. Fraley as it relates to their outpatient services (Exhibit D - Flint Odyssey House). With Mr. Fraley being busy working at his jobs as described above his focus on his sobriety on an outpatient basis would be a good fit for him opposed to an in-patient program.

Nevertheless, the Flint Odyssey House indeed has residential treatment as well that if the court ordered Mr. Fraley to complete first, then be allowed to go back to working at Gentlemen's Quality Home and with his Aunt(s) on a third party superintending control/custodian basis that could be an option as well. With either choice the Flint Odyssey House would indeed be his core for his drug treatment and rehabilitation.

In addition to ordering Mr. Fraley to the Odyssey House during the pretrial stages of this case, daily drug and alcohol screens could be ordered and a weekly or bi weekly check in either in person or via zoom could be ordered to assure pretrial services that he is in compliance and the face to face contact would allow pretrial services to be able to monitor his well-being as well. Lastly, this court has at its disposal numerous pretrial services drug testing, rehabilitation and monitoring protocols at its disposal to fashion an aggressive and effective drug treatment and monitoring if the Odyssey House program is not satisfactory.

The ultimate question becomes can the person presently before the court be trusted or does he have the positive and determined mindset and maturity to indeed be able to follow through and abide by the courts bond orders if indeed this court fashions a bond that is encompassing all or some of the options indicated above. Well the best answer to said question can only be answered by the persons who have been around him and have been monitoring him since his incarceration

locally. I received from his prior legal counsel of Mr. Fraley, a letter from a Deputy A.H. Lewis presumptively from the Genesee County Sheriff Departments Jail detail. (Exhibit E - Dep. Lewis Letter). From said letter the crux of the same indicates that Mr. Fraley indeed has the potential to excel, work, has a positive attitude and behavior and that he would make the most out of a second chance.

The court mentioned in its request for more information as it regards the allegations and possibly convictions as it relates to obstruction of justice and resisting and obstructing police. With my resources I was not able to procure credible facts to answer the courts inquiry on that point. However, I will say that Mr. Fraley served the time and or the extension of time sanctioned by the parole board for his actions and if this matter should go to a sentencing phase the issue would be litigated once more as it regards the guideline scoring.

Nevertheless, I believe who we have before the court is not the same individual that was involved in the activity of the past. We have a drug addict facing drug charges as it relates to manufacturing and distribution as it relates to a federal indictment- he needs help and the ultimate question is if he is going to be helped along the way as it regards his addiction as he defends these charges or is he going to be stowed away in custody when he could be bettering himself and his family in the interim?

In conclusion, I believe that the options detailed above if ordered by the court would be sufficient alternatives to keeping Mr. Fraley detained for the duration of trial. If the court does give him an opportunity to be released on bond with said conditions and Mr. Fraley violates the same, the court has the power to immediately revoke his bond and detain and or remand Mr. Fraley for the duration of this case. Mr. Fraley understands what is at stake and what would be required and is at the ready to prove to this court and his family that he can indeed abide the bond terms and conditions.

We ask that the order of detention be revoked and that alternative options to incarceration be ordered by this court as requested in this supplemental brief.

Respectfully submitted,

Dated: July 15, 2021

/s/Ray Edward Richards, II
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CERTIFICATE OF SERVICE

I certify that on July 15, 2021, I electronically filed the above Defendant Fraley's Supplemental Brief with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/Ray Edward Richards, II

RAY EDWARD RICHARDS, II (P56972)

Attorney for Defendant